IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6653 of 2001
with
SPECIAL CIVIL APPLICATION Nos 6731/01, 404/02,
8616/01, 7211/01, 3370/02, 5633/01, 5647/01,
6447/02, 5944/01, 12234/01, 6732/01, 2759/01, 2760/01
and 2180/02

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SATYAM EXPORT

Versus

UNION OF INDIA

Appearance:

MR TV SHAH for Petitioner No. 1

MR DN PATEL for Respondent No. 1-3

CORAM : MR.JUSTICE R.K.ABICHANDANI

and

MR.JUSTICE A.L.DAVE

Date of decision: 26/02/2003

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

#. After the arguments, the learned counsel for the petitioners appearing in all these petitions states that the petitioners seek permission to withdraw these petitions with a view to approach the Director General of Foreign Trade who is Respondent No. 3 in these petitions in view of para-4.13 of the Import Export Policy, 1997-2002 and in view of the directions contained in the impugned orders returning the licences for amendment to be made by the Director General of Foreign Trade to the extent applicable.

#. The learned counsel appearing for the respondents including the Respondent No. 3 states that if such applications are made, the Director General of Foreign Trade shall consider them in accordance with law and take a decision thereon after hearing the petitioners within four weeks from the date of the receipt of the applications without being coloured by any observations that may have been made in the impugned orders having bearing on the aspects which fall within the jurisdiction of the Director General of Foreign Trade under para 4.13 of Part-III of the Policy.

#. All the petitions are permitted to be withdrawn with a liberty to approach the Respondent No. 3 as stated by the learned counsel for the petitioners and with a direction to the Respondent No. 3 that a decision will be taken by him in accordance with law on such applications within four weeks from the date on which they are received, after hearing the petitioners and without being coloured by any observations that may have been made under the impugned orders on the aspects which fall within the jurisdiction of the Director General of Foreign Trade under the said para - 4.13 of the Policy.

#. It is stated by the learned counsel for the petitioners that the bank guarantees will be kept alive by the petitioners till decision is taken by the Respondent No. 3. The learned counsel for the Respondent No. 3 states that until the decision is taken by the Respondent No. 3, the bank guarantees will not be encashed. Needless to say that as per para - 4.13 of the Policy, the decision of the Director General of Foreign Trade will be final and binding.

#. All the petitions stand rejected as withdrawn subject to the above arrangement. Rule is discharged in each of the petitions with no order as to costs. Interim relief stands vacated.

[R.K. ABICHANDANI, J.]

[A.L. DAVE, J.]

pirzada/-